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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 582,175	06 21 2000	ARIANTO DARMAWAN	39629 DEP R1	7850

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

19

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,175

Applicant(s)

Darmawan

Examiner

Ivars Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 12, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 12, 2002 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s).
- 18) ☐ Interview Summary (PTO-413) Paper No(s).
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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The proposed amendment to the drawings filed February 12, 2002 has not been approved because this proposed amendment appears to introduce new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The structural configuration depicted in proposed "Fig. 10" does not appear to be supported by the disclosure originally filed, and hence constitutes new matter. Applicant should note that the illustration originally present on page 7 (i.e. lines 12-21) of the specification shows a "U tube" model of the invention, not a single vessel with a vertical partition therein, as depicted in proposed claim 10.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The preamble of claim 6 recites an apparatus for conducting "an ion exchange process", but the body of this claim merely recites the presence of an "adsorbant" resin in the apparatus (see line 26). Accordingly, claim 6 is

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indefinite as to whether this claim is limited to merely an adsorbent resin (e.g. polyethylene), or to an ion exchange resin. Claims 7-11 depend from claim 6, and are therefore also indefinite. Furthermore, the term "utilizing" (claim 8, line 1) is vague, and indefinite as to the limitations intended.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Seibel (U.S. Patent No. 4,719,010). The reference discloses an apparatus comprising all of the recited structural elements and their structural interrelationships, and this reference device is inherently capable of being operated in the manner intended by Applicant.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seibel in view of West (U.S. Patent No. 2554163). The primary reference discloses the claimed invention with the exception of the recited sight glass. West discloses (see col. 4, lines 59-65) employing a sight glass in an ion exchange system, in order to monitor the level of a material in this system; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Seibel with the sight glass of West, in order to monitor the level of resin in this primary reference system.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astrom (U.S. Patent No. 1,688,915) in view of Roberts (U.S. Patent No. 2,855,364). Astrom discloses the claimed invention with the exception of the recited outlet port below each individual bed. Roberts discloses a similar ion exchange system, and discloses means for backwashing the ion exchange material contained therein in the recited manner. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Astrom with the backwashing means of Roberts, in order to obtain the advantages disclosed by this secondary reference (e.g. removal of

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particulate contaminants from the ion exchange material) for the system of the primary reference.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astrom and Roberts as applied above, and further in view of West. The modified primary reference discloses the claimed invention with the exception of the recited sight glass. West discloses employing a sight glass in an ion exchange system, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of the modified primary reference with the sight glass of West, in order to monitor the level of resin in this modified primary reference system.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astrom and Roberts as applied above, and further in view of Wiltrout (U.S. Patent No. 3,774,625). The modified primary reference discloses the claimed invention with the exception of the step of backwashing the ion exchange material upon detection of an increase in pressure drop across this material. Wiltrout teaches (see col. 1, lines 58-61) that it is known to initiate backwashing of a particulate liquid purification material based upon the pressure drop across this material; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ pressure

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drop across the ion exchange bed of the modified primary reference to initiate backwashing thereof, since Wiltrout clearly teaches that an increase in pressure drop is a known indicator of bed clogging.

Applicant's arguments filed March 12, 2001 have been noted and carefully considered, but no longer appear to be relevant in view of the new grounds of rejection. Applicant is advised that although it was stated in the above noted response that Applicant has enclosed a certified English translation of the foreign priority papers, in order to perfect his claim to priority over the Jones reference, no such certified English translation can be located in this application. Applicant is further advised, however, that Jones is no longer being relied upon to reject any of the claims in this application.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of

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the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Ivars C. Cintins
Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
May 5, 2002